

IN THE MATTER OF
THE APPLICATION OF
MARTIN J. FELDMAN, M.D., ET UX
FOR A ZONING RECLASSIFICATION ON
PROPERTY LOCATED ON THE SOUTHEAST
SIDE OF CHERRY HILL ROAD, APPROX.
160' NORTHEAST OF THE C/L OF
REISTERSTOWN ROAD
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. R-88-313
(out of cycle)

RULING ON MOTION FOR RECONSIDERATION

This matter comes before this Board on a Motion for Reconsideration by the People's Counsel for Baltimore County in Case No. R-88-313, a reclassification case heard out of cycle on March 29, 1988.

Questions have been raised as to the present use of the subject property. Testimony and evidence indicated that the property is zoned R.O. and has been used in this classification for some time prior to the hearing. There was agreement from all parties that the changing of the road system in the immediate vicinity of the site had virtually eliminated on-street parking in the area. The reclassification of the .0840 acre in the rear of the site was needed to permit parking on this parcel. The Board found as a fact that error in this small parcel did in fact exist and granted the requested reclassification.

The Motion filed by People's Counsel questions whether the status of the medical license of the present owner was material to the Board's decision. The Board finds as a fact that any R.O. use of the site would justify the reclassification of the small portion in the rear of the site to provide parking for the R.O. use. The status of the present owner as regarding his medical standing is not before the Board. After consideration of all the testimony and evidence presented, the Board is of the opinion that the original Order dated April 28, 1988 granting the reclassification was proper and will therefore deny the Motion for Reconsideration.

Case No. R-88-313
Martin J. Feldman, MD, et ux

ORDER

It is therefore this 1st day of June, 1988 by the County Board of Appeals of Baltimore County, after consideration of all the facts and testimony, ORDERED that the Motion for Reconsideration by People's Counsel for Baltimore County be and the same is DENIED;

IT IS FURTHER ORDERED that the reclassification of the subject .0840 acre to R.O. be and the same is GRANTED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Henry H. Lewis
Henry H. Lewis

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County
Room 223 Court House
Towson, Maryland 21204
(301) 494-3180

June 1, 1988

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 223, Courthouse
Towson, MD 21204

RE: Case No. R-88-313
Martin J. Feldman, M.D., et ux

Dear Ms. Friedman:

Enclosed is a copy of the Ruling on Motion for Reconsideration which was issued this date by the County Board of Appeals in the subject case.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Martin J. Feldman, M.D.
P. David Fields
James G. Howell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

RECEIVED
COUNTY BOARD OF APPEALS
1988 MAY 29 10:43 AM
THE COUNTY BOARD
RE: PETITION FOR
RECLASSIFICATION
FROM D.R. 3.5 TO R.O. ZONE : OF APPEALS
SE/S CHERRY HILL RD., : OF BALTIMORE COUNTY
160' NE OF C/L OF
REISTERSTOWN RD. : Case No. R-88-313
4TH ELECTION DISTRICT

MOTION FOR RECONSIDERATION

People's Counsel for Baltimore County hereby moves this Board to reopen the above-captioned matter and to reconsider the Opinion in this case. The grounds for this motion are:

1. The testimony before the Board was that the present owner of the property was a physician who was unable to fully utilize his property because of the lack of adequate parking space for his patients.
2. This Board in its ruling relied upon the dual use of the present property as both the office and residence of an active physician in making the decision that there was error in the existing zoning.
3. There has been new evidence discovered since the hearing that indicates that the present owner was suspended from the practice of medicine at the time of his testimony.
4. This new evidence is based upon the attached decision of the State of Maryland Department of Health and Mental Hygiene Commission on Medical Discipline dated December 22, 1987, which has suspended his license to practice.

WHEREFORE, People's Counsel prays this Board to reopen this matter to take testimony to determine whether the testimony upon

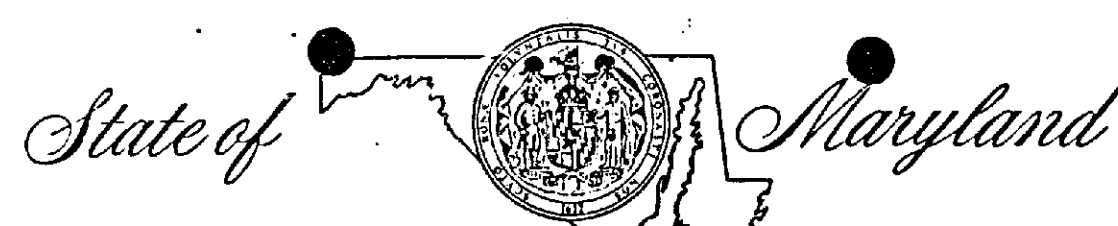
which the Board relied was accurate and whether the status of the medical license of the present owner was material to the Board's decision that the property should be rezoned.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 9th day of May, 1988, a copy of the foregoing Motion for Reconsideration was mailed to Dr. and Mrs. Martin J. Feldman, 1 E. Cherry Hill Rd., Reisterstown, MD 21134 Petitioners.

Phyllis Cole Friedman
Phyllis Cole Friedman



DEPARTMENT OF HEALTH AND MENTAL HYGIENE
COMMISSION ON MEDICAL DISCIPLINE
201 W. PRESTON STREET • BALTIMORE, MARYLAND 21201 • Area Code 301-225-5905
TTY for the Deaf 303-7555

December 30, 1987

Arthur T. Keefe, Jr., M.D., Secretary
Board of Medical Examiners of Maryland
201 W. Preston Street
Baltimore, Maryland 21201

Re: Martin J. Feldman M.D.
License No. D01083

Dear Dr. Keefe:

Enclosed you will find a copy of the Order For Emergency Suspension Of License as executed by the Commission on Medical Discipline. The effective date of the order is December 22, 1987.

Sincerely,

Margaret T. Anzalone
Margaret T. Anzalone
Executive Director

MTA:ks
Enclosure

cc: Michael Murray, Director of Operations, Medical and Chirurgical Faculty
Bryant L. Galusha, M.D., Executive Vice President, Federation of State Medical Boards
American Medical Association, Physician Biographic Records Section
Patricia Wilson, Utilization Review Department, Blue Cross/Blue Shield
Charles H. Tregoe, Chief, Division of Drug Control
Joseph Jensen, Medical and Chirurgical Faculty of Maryland
Joseph Davis, Acting Director, Medical Assistance Operations Administration
Lawrence R. Payne, Director, Medical Assistance Compliance Administration and Certification
Gale Kaplan, Chief, Medicaid Fraud Control Unit
Robert Bickel, Division Group Supervisor, Drug Enforcement Administration
Robert S. Cavanaugh, Regional Inspector General, Office of Health Financing Integrity/Office of Inspector General
Steven J. Sumner, Vice President, Maryland Hospital Association
DHMH Rosters and Renewals Unit
Barbara Hull Foster, Administrative Prosecutor
Varda Fink, Deputy Counsel, Commission on Medical Discipline
Joseph McCurdy, Co-Counsel, Commission on Medical Discipline

IN THE MATTER OF
MARTIN FELDMAN, M.D.

BEFORE THE COMMISSION
ON MEDICAL DISCIPLINE
CASE NUMBERS: 85-61;
87-14; and 88-100

**ORDER FOR EMERGENCY SUSPENSION
OF MEDICAL LICENSE**

Based on information received from the Peer Review Committee of the Medical and Chirurgical Faculty of the State of Maryland and the results of neuropsychological, psychological and psychiatric examinations regarding the practice, mental and physical status of MARTIN FELDMAN, M.D. (the "Respondent"), the Commission on Medical Discipline (the "Commission") makes the following Findings of Fact, Conclusion of Law and Order.

FINDINGS OF FACT

Based upon all the information known and available to it the Commission has reason to believe that:

1. Respondent is a physician licensed to practice medicine in Maryland.
2. By letter dated August 6, 1984, the Commission was notified of the denial of reappointment of Respondent by the Department of Medicine, North Charles General Hospital, thus terminating his privileges, effective immediately. The reason for denial resulted from ongoing peer review of Respondent's practice of medicine and documented incidents of inappropriate behavior which the Board of Trustees at North Charles General

IN THE MATTER OF
THE APPLICATION OF
MARTIN J. FELDMAN, M.D., ET UX
FOR A ZONING RECLASSIFICATION ON
PROPERTY LOCATED ON THE SOUTHEAST
SIDE OF CHERRY HILL ROAD, APPROX-
IMATELY 160' NORTHEAST OF CENTERLINE
OF REISTERSTOWN ROAD FROM D.R. 3.5
TO R.O.
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. R-88-313
(out of cycle)

OPINION

This case comes before this Board on a petition for a zoning reclassification from D.R. 3.5 to R.O., out of cycle, approved by the County Council on December 21, 1987, on the subject property located in the Fourth Election District of Baltimore County.

Dr. Martin J. Feldman, who resides and practices as a physician at the southeast corner of Cherry Hill Road and Reisterstown Road, testified that the improvements of Franklin Boulevard in connection with the Northwest Expressway eliminated parking on Cherry Hill Road, 200 feet eastward (from Reisterstown Road) on both the north and south sides of Cherry Hill, making parking impractical for his patients. Dr. Feldman introduced as evidence Joint Exhibits consisting of resolution by the Planning Board, various photographs, and Traffic Engineering map (dated January 21, 1986).

Dr. Feldman also testified as to the error by County agencies in the change of Planning which eliminated parking.

Further testimony by the Petitioner indicated he requested zoning for .084 acre ± (3657 square feet) to accommodate parking for ten (10) cars on the east side of his property.

Mr. James Howell, Planning Office, testified that Planning had erred in not providing proper zoning for parking in this case and further testified that Dr. Feldman's request be granted. People's Counsel entered Exhibit No. 1, interoffice memorandum, dated Feb. 17, 1988.

Case No. R-88-313
Martin J. Feldman, M.D., et ux

It is the opinion of this Board that the testimony and evidence produced indicate that it was in fact an error not to designate the property R.O. and that in practical measures the proposed petition represents the only viable alternative and will therefore grant the requested reclassification.

ORDER

It is therefore this 28th day of April, 1988 by the County Board of Appeals of Baltimore County ORDERED that the requested zoning reclassification from D.R. 3.5 to R.O. be and the same is GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-4 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Henry H. Lewis

Harry E. Buchheiser
Harry E. Buchheiser



County Board of Appeals of Baltimore County

Room 208 Court House
Towson, Maryland 21204
(301) 494-3180

April 28, 1988

Martin J. Feldman, M.D.
1 East Cherry Hill Road
Reisterstown, MD 21136

RE: Case No. R-88-313
Martin J. Feldman, M.D., et ux

Dear Dr. Feldman:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals regarding the subject case.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: James Earl Kraft
Phyllis Cole Friedman, Esquire
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk
Arnold Jablon, County Attorney

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 3.5 TO R.O. ZONE : OF BALTIMORE COUNTY
SE/S Cherry Hill Rd., approx. :
160' NE of C/L of Reisterstown :
Rd., 4th Election District, :
3rd Councilmanic District :
MARTIN J. FELDMAN, M.D., : Case No. R-88-313 (Out of Cycle)
et ux, Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 31st day of December, 1987, a copy of the foregoing Entry of Appearance was mailed to Dr. and Mrs. Martin J. Feldman, 1 E. Cherry Hill Road, Reisterstown, MD 21136, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1987, LEGISLATIVE DAY NO. 27
RESOLUTION NO. 45-87

MR. C. A. DUTCH HUFFENBERGER, COUNCILMAN

BY THE COUNTY COUNCIL, DECEMBER 21, 1987

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Martin J. Feldman and Irene Feldman, owners of .084 acres of land on the southeast side of East Cherry Hill Road should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1986 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by Resolution dated November 19, 1987, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Martin J. Feldman and Irene Feldman requesting a reclassification of the above described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the zoning Reclassification Petition filed on behalf of Martin J. Feldman and Irene Feldman be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1(i) of the Baltimore County Code.

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 3.5 zone to an R.O. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s)

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

BABC - Form 1



County Council of Baltimore County

Court House, Towson, Maryland 21204
(301) 494-3186

COUNCIL

Ronald B. Hickman
First District

William G. Mince
Second District

Charles A. Ruppelberger III
Third District

Barbara F. Baker
Fourth District

Norman W. Lachman
Fifth District

James E. Dyer
Sixth District

John T. Pate
Seventh District

Thomas E. Dyer
Eighth District

Thomas E. Dyer
Ninth District

Thomas E. Dyer
Tenth District

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Second Floor - Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Attached please find Resolution 45-87 approving the Planning Board's certification that the zoning reclassification petition filed on behalf of Martin J. Feldman and Irene Feldman, owners of .084 acres of land on the southeast side of East Cherry Hill Road should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1986 Cumulative Supplement, as amended.

This Resolution was unanimously approved by the County Council at their meeting on Monday, December 21, 1987 and is being forwarded to you for appropriate action.

Sincerely,

Thomas E. Dyer
Thomas E. Dyer
Secretary

TT:dp
Enclosure

RECEIVED
COUNTY BOARD OF APPEALS
1987 DEC 23 A 11:52

A. L. Snyder
1911 Harman Pike
Hampstead, Maryland 21076
(301) 239-7744

(301) 833-5791

November 11, 1987

Description to Accompany Zoning Petition

Beginning for the same on the southeast side of East Cherry Hill Road at a bearing and distance of N 48° 17' 35" E 115.37 feet from the northeast line of Reisterstown Road, thence:

- 1.) N 48° 17' 35" E 45.00 feet, thence
- 2.) S 41° 42' 25" E 85.05 feet, thence
- 3.) S 48° 17' 35" W 41.00 feet, thence
- 4.) N 41° 23' 59" W 85.14 feet to the place of beginning.

Containing 0.0840 acres of land (3657 square feet) more or less.

MARTIN J. FELDMAN, M.D., ET UX : R-88-313
SE/S Cherry Hill Road, approx. : (out of cycle)
160' NE of C/L of Reisterstown : 4th Election District
Road : 3rd Councilmanic District
D.R. 3.5 to R.O. : .084 acre

Petition Filed : November 5, 1987 : Approved by Council: 12/21/87

Martin J. Feldman, M.D. : Petitioner
Irene Feldman :
1 East Cherry Hill Road :
Reisterstown, MD 21136 :

James Earl Kraft
Baltimore County Board of Education
940 York Road 21204

Phyllis Cole Friedman : People's Counsel

P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

Date Filed: 11/10/87
Case No. CR-88-313
(OUT OF CYCLE)

Martin J. Feldman, M.D., et ux
SE/S Cherry Hill Rd., approx.
160' NE of the c/l of
Reisterstown Rd.
4th Election District
3rd Councilmanic District

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45680

DATE 11/10/87 ACCOUNT 100-115-000

AMOUNT \$ 100.00

RECEIVED FROM [Signature]

FOR [Signature] 100-115-000

VALIDATION OR SIGNATURE OF CASHIER

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204-2586
(301) 194-3180

HEARING ROOM #218

January 19, 1988
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CR-88-313
(out of cycle)

MARTIN J. FELDMAN, M.D., et ux
SE/s Cherry Hill Road, approximately
160 feet NE of centerline of Reisterstown Road
4th Election District
3rd Councilmanic District
Zoning reclassification - from D.R. 3.5 to R.O.

ASSIGNED FOR: TUESDAY, MARCH 29, 1988 at 10:00 a.m.

cc: Martin J. Feldman, M.D. Petitioner
Irene Feldman
James Earl Kraft
Phyllis Cole Friedman, Esquire
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

December 15, 1987

Re: Property Owner: Martin J. Feldman, M.D., et ux
Location: SE/S Cherry Hill Road, approx. 160' NE of c/l Reisterstown Road
Item No.: CR88-313
Zoning Agenda: Meeting of 12/8/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER [Signature] 12-15-87
Planning & Zoning
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

/j1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, County Attorney
Date: November 20, 1987

FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning

SUBJECT: The Feldman Property
Site "corner" of Reisterstown and Cherry Hill Roads
Request for Exemption from Cyclical Procedures
Zoning Reclassification Requesting a Change from
D.R. 3.5 to R.O. Zoning

Attached, please find the subject resolution adopted by the Planning Board at its meeting on November 19, 1987. Please prepare the necessary material for the County Council's consideration.

[Signature]
Norman E. Gerber, AICP, Director
Office of Planning and Zoning

NEG/JCH/jat
cc: The Honorable Dennis F. Rasmussen, County Executive
B. Melvin Cole, Administrative Officer
The Honorable Norman W. Lauenstein, Chairman, Baltimore County Council
Members, Baltimore County Council
Thomas Toporovich, County Council Secretary-Administrator
William T. Hackett, Chairman, Board of Appeals
James E. Dyer, Zoning Supervisor
W. Carl Richards, Zoning Coordinator
J. G. Hoswell, Planner

BALTIMORE COUNTY PLANNING BOARD

RESOLUTION
November 19, 1987

WHEREAS, Pursuant to Subsection 2-58.1(4) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Dr. Martin J. Feldman to exempt from the zoning cycle the subject reclassification petition; and

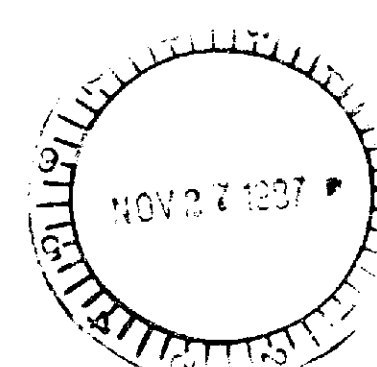
WHEREAS, the Planning Board believes that early action is required on this petition in that the petitioner's lack of adequate parking created by the road improvements has a deleterious effect on medical services in the community; now, therefore, be it

RESOLVED, that the Baltimore County Planning Board hereby certifies to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest and is needed because of the emergency nature of the request.

I HEREBY CERTIFY that this resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland on November 19, 1987.

November 20, 1987
Date

[Signature]
Norman E. Gerber, AICP, Secretary
Baltimore County Planning Board



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Mr. William T. Hackett, Chairman
County Board of Appeals
TO: Mr. W. Carl Richards, Jr., Zoning Coordinator
Date: November 24, 1987

FROM: Martin J. Feldman, M.D., et ux
SE/S Cherry Hill Rd., approx. 160' NE
of c/l of Reisterstown Rd.
SUBJECT: Case No. CR-88-313
4th Election District
3rd Councilmanic District

The above out-of-cycle reclassification petition submitted to and received in your office and subsequently transmitted to this office has been assigned the above-entitled case number. The plans are being distributed to all agencies, however, prior to County Council emergency certification or a hearing date being set, this office suggests, after reviewing the petition, that the brief (letter) and the plans be revised to agree. In the past, this office has interpreted that a "use" justification in the brief constitutes documentation and the plans submitted should meet S.2-40.1(L) which requires complete documented plans including an environmental impact statement.

WCR, Jr.:med

c.c. Mr. Norman Gerber
Director, Planning and Zoning

RECEIVED
COUNTY BOARD OF APPEALS
181 NOV 27 P 4:23

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Norman E. Gerber, Director
TO: Office of Planning & Zoning
Date: November 10, 1987

FROM: County Board of Appeals
Out-of-Cycle Petition --
SUBJECT: Feldman Property

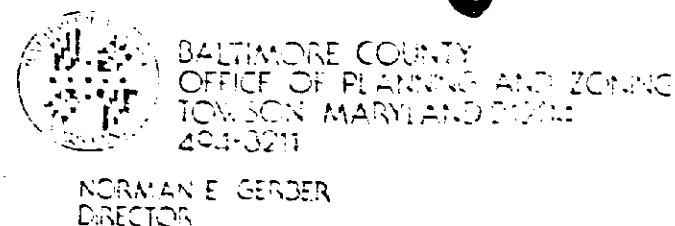
We are forwarding to you the Petition for Zoning Reclassification and attendant documentation which was filed with this office by Martin J. Feldman, M.D., Petitioner. He is requesting exemption from the cycle procedure. This petition is being forwarded to you for processing pursuant to the appropriate sections of the Baltimore County Code.

[Signature]
Kathleen C. Weidenhammer
County Board of Appeals

cc: Carl Richards w/attachments
(incl. filing fee - \$100.00 check)

1/19/88 - Following notified of hearing set for Tuesday, March 29, 1988 at 10:00 a.m.

Martin J. Feldman, M.D.
Irene Feldman
James Earl Kraft
Phyllis C. Friedman, Esq.
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney



December 18, 1986

Dr. Martin J. Feldman
1 East Cherry Hill Road
Reisterstown, MD 21136

Dear Dr. Feldman:

We have received numerous form letters from your patients regarding the difficulties they have in walking from their parking spaces to your office. As per the meetings that we held between yourself, the Department of Traffic Engineering and others some three weeks back, we have clarified for you, your need to provide on-site parking for your patients. We fully agree that the inconvenience of your patients is a problem, but the responsibility for rectifying that problem would seem to lie in your hands. We would be glad to provide any assistance in further defining your on-site parking needs.

Sincerely,

Norman E. Gerber
Norman E. Gerber, AICP, Director
Office of Planning and Zoning

NEG/UPA/sf

cc: Stephen E. Collins, Director, Dept. of Traffic Engineering
C. Richard Moore, Deputy Director, Dept. of Traffic Engineering
Uri P. Avin, AICP, Deputy Director, Office of Planning & Zoning



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

PRESORTED
FIRST-CLASS

Dr. Martin J. Feldman
1 East Cherry Hill Road
Reisterstown, MD 21136

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
County Board of Appeals

Date: February 2, 1988

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition R-88-313
Martin J. Feldman, M.D., et ux
S/E/S Cherry Hill Road 160' N/E of
Reisterstown Road

This 0.08-acre parcel of land is the rear-most portion of a 0.5-acre property located on the southeast corner of Reisterstown and Cherry Hill Roads. The front portion of the property, containing doctors' offices, is zoned R.O. The three properties to the north and south are zoned R.O., with the remainder of the properties in the immediate area on both sides of Reisterstown Road zoned B.L. and R.M.-C.C.C. and developed commercially. To the east, along both sides of Cherry Hill Road, are single-family dwellings on land zoned D.R. 3.5. The petitioner is requesting a change from D.R. 3.5 to the R.O. zoning classification.

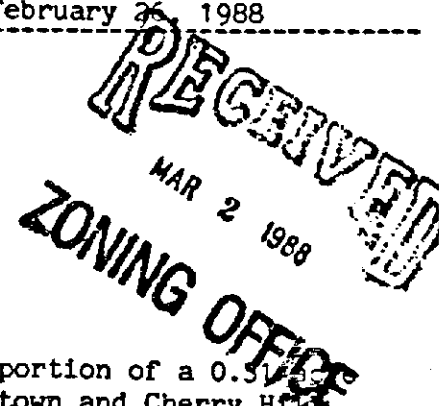
On November 19, 1987, the Planning Board recommended that the subject petition be exempted from cyclical procedures; on December 7, 1987, the County Council approved the Planning Board's recommendation.

It is this office's opinion that the petitioner's request should be granted. This community service has been hampered by the loss of parking area resulting from the improvements of the intersection of Reisterstown and Cherry Hill Roads. Further, the rezoning of the rear portion of the property so that the zoning boundary line is contiguous with the property line would be appropriate. Finally, with the proper landscaping, parking on the rear-most portion of the site would not adversely impinge upon the neighboring residential properties.

It is therefore recommended that the petitioner's request for R.O. zoning be granted.

David Fields
P. David Fields, Director
Office of Planning and Zoning

cc: Phyllis Cole Friedman, People's Counsel
Martin J. Feldman, M.D.
Carl Richards
J. G. Howell



Date Filed:
12/10/87
Case No.
02-88-313
NAME OF CYCLES

Martin J. Feldman, M.D., et ux
160' N/E of the E/L of
Reisterstown Rd.
4th Election District
3rd Councilmanic District

PROPERTY OWNER	Martin J. Feldman, M.D., et ux	ATTORNEY/COUNSEL	Same
CONTRACT PURCHASER		ADDRESS	1 East Cherry Hill Rd.
LOCATION	S/E/S Cherry Hill Rd. Approximately 160' N/E of the intersection of Reisterstown Rd.	CITY/STATE/ZIP	Reisterstown, Md. 21136
EXISTING ZONING	D.R. 3.5	ELECTION DISTRICT	4/3
PROPOSED ZONING	R.O.	NUMBER REQUESTED	0.084
		PHONE	833-3682, 833-6653
		OPEN PLAN	DOCUMENTED
		DATE PAID	1/28/88
		DATE	1/19

RECEIVED
COUNTY BOARD OF APPEALS
181 MAY 10 1988

MARTIN J. FELDMAN, M.D.
1 E. CHERRY HILL ROAD
REISTERSTOWN, MARYLAND 21136-3088
833-3682

November 5, 1987

Norman E. Gerber, AICP, Director
Office of Planning and Zoning
Room 406, County Court Building
Towson, Maryland 21204

RE: Request for Exemption from Cyclical Procedures
Zoning Reclassification for Feldman Property
S/E corner of Reisterstown & Cherry Hill Rd.

Dear Mr. Gerber:

I respectfully request that the subject zoning reclassification petition be exempted by the procedures set forth in Section 2-58.1 of the Baltimore County Code. I believe that this petition qualifies both in the public interest and because of emergency.

There is no parking within 200 feet on both sides of the street, from my driveway. Parking was permitted in front of my office on both sides of the road from 1955 until July 1986. The construction of Franklin Blvd. discontinued the parking. I have aged people, amputees, acutely ill people, who can not walk the 200 + feet to my office door, and even if they park in my driveway it is too far to the office doorway. On July 23, 1987, I had a patient suffer a cardiac arrest in my office doorway. This man almost did not make it from the fourth house down where he parked his car, making it much more than the 200+ feet.

It is necessary that we have parking for this office. I was made aware that .0840 acres, that's 36.57 feet zoned DR3.5, can not be utilized for parking, and this is the emergency, re-classification.

This lack of parking has also distressed my patients causing loss of patient's I have had for years, and that causes another problem, loss of income.

Martin J. Feldman
Martin J. Feldman, M.D.

Doctor brings gift of life to heart attack victim

By CATHY DRINKWATER
For the Times

A Reisterstown man who experienced cardiac arrest last Thursday morning is alive today, thanks to the skill of his long-time family physician.

Sixty-year-old Joseph Medina, of Cherry Hill Road, went to Dr. Martin J. Feldman's office on the morning of July 24 because he had noticed a lump in his stool.

While sitting on the kitchen floor, he felt a sharp pain in his chest, and he started coughing.

He drove himself to Feldman's at the corner of East Cherry Hill and Reisterstown Roads. He walked the remaining half-block from the car to Feldman's office.

As soon as Medina entered the waiting room, nurse Pauline Strauss realized that the man was ill.

"He opened the door and was hanging onto the outside doorknob, bent over," she said. "He closed the door and went over and grabbed the edge of the sofa. I looked at his face. I got up and got over there."

Medina sat down then, and was "trying to remain conscious," Strauss said. "He was blinking at me — trying to see me, but his eyes weren't really focusing on me. He put his head back and I went for the pulse."

When Strauss could not locate a pulse at the wrist, and only a "slim" pulse at the neck, she called "yelled" — for the doctor, who was in the examining room with a patient.

Feldman, who recently turned 64, ran to the man's side. "By this time," Strauss said, "his eyes were rolled back. He was ashen grey."

"There was no pulse at all at that point. 'He's dying,' Feldman said. As Strauss tore off Medina's shirt, Feldman prepared to administer CPR.

Randallstown resident Mary Hallameyer, also in the waiting room that morning, said, "The first couple of times (the doctor hit him) nothing

"Amazing. It was just amazing," Hallameyer said, who, with another patient, pitched in during the crisis by mopping blood and "wringing out the rags...it was quick...perfect."

ing. I was doing well at BQMI. He is being treated for stomach ulcers pending the outcome of the tests." Evelyn Medina said that she can't like, "Where am I?" Strauss said, who then helped Medina lie down on U. sole. A steady pulse was evident "and getting better all the time."

"Amazing. It was just amazing," Hallameyer said, who, with another patient, pitched in during the crisis by mopping blood and "wringing out the rags...it was quick...perfect."

Medina's wife, Evelyn, was called; she came immediately.

With Dr. Feldman's assurance that her husband could tolerate the ride, she drove Medina to Baltimore County General Hospital.

She also took with her a note from Feldman which read, in part: "I do not know how he walked to this office. When in the door he was in shock, no pulse, no blood pressure, in cardiac arrest. He responded to severe chest compression, and within thirty seconds was more alert. I think he had lost at least four pints of blood."

Initially placed in the intensive care unit, Medina was given one pint of blood.

He has since undergone an upper GI — a series of tests to determine if source of the gastrointestinal bleeding.

Medina, who was in Feldman's office for about an hour that morn-

MARTIN J. FELDMAN, M.D.
1 EAST CHERRY HILL ROAD
REISTERSTOWN, MARYLAND 21136-3088
833-3682

May 6, 1988

Court of Appeals of Baltimore County
Room 200, County Court Building
Towson, Maryland 21201

RE: Martin J. Feldman M.D.
Case #: R88-313

Attention: Kathleen C. Weidenhammer
Administrative Secretary

Linda Lampel, a Community Times Staff Writer, wrote an article about me that states, "under oath that he is practicing medicine, that is perjury."

Please understand that I did not will-fully commit perjury. I tried to tell the zoning board and a Mr. Howell of the Office of Planning, that my office had been closed December 24, 1987, and this was to no avail.

Today the situation is the same. I am selling my practice. Mien D. Kiouns M.D., is negotiating and he will need parking. I have told him that he had the Board of Appeals decision in favor of parking.

It will be three years this July 1988, since Franklin Blvd. opened and destroyed my parking. It is my understanding that the whole procedure was in error because the Zoning Line was in error on paper, and should have been extended to the back of the property. Testimony from the county people at the zoning hearing was that the property was improperly drawn.

This is the error I was trying to have corrected, because whoever buys the practice will still need parking. That is why I continued before the Appeals Board.

Very truly yours,
Martin J. Feldman
Martin J. Feldman, M.D.

RECEIVED
COUNTY BOARD OF APPEALS
181 MAY 10 1988

5/06/88

Mr. Hackett:

Telephone call from Dr. Feldman.

He is in process of writing a letter to the Board explaining the situation with his office.

He wants the Board to know he did not perjure himself at his hearing in March; his license has been suspended since December 24; however, he said that a tentative sale of the property would be jeopardized if the reclass. was denied.

He will get a letter in to you and the other Board members (Henry and Harry) by early next week. He was very upset that an article appeared in the paper which seemed to indicate that he committed perjury which he claims is not the case.

kathi

App. No. 5617-3
Prepared by GSN

From

PROVIDENT SAVINGS BANK
OF BALTIMORE

To

Dr. Martin J. Feldman
1 East Cherry Hill Road
Reisterstown, Maryland 21136

Block No.

Received for Record

19

1/13/88

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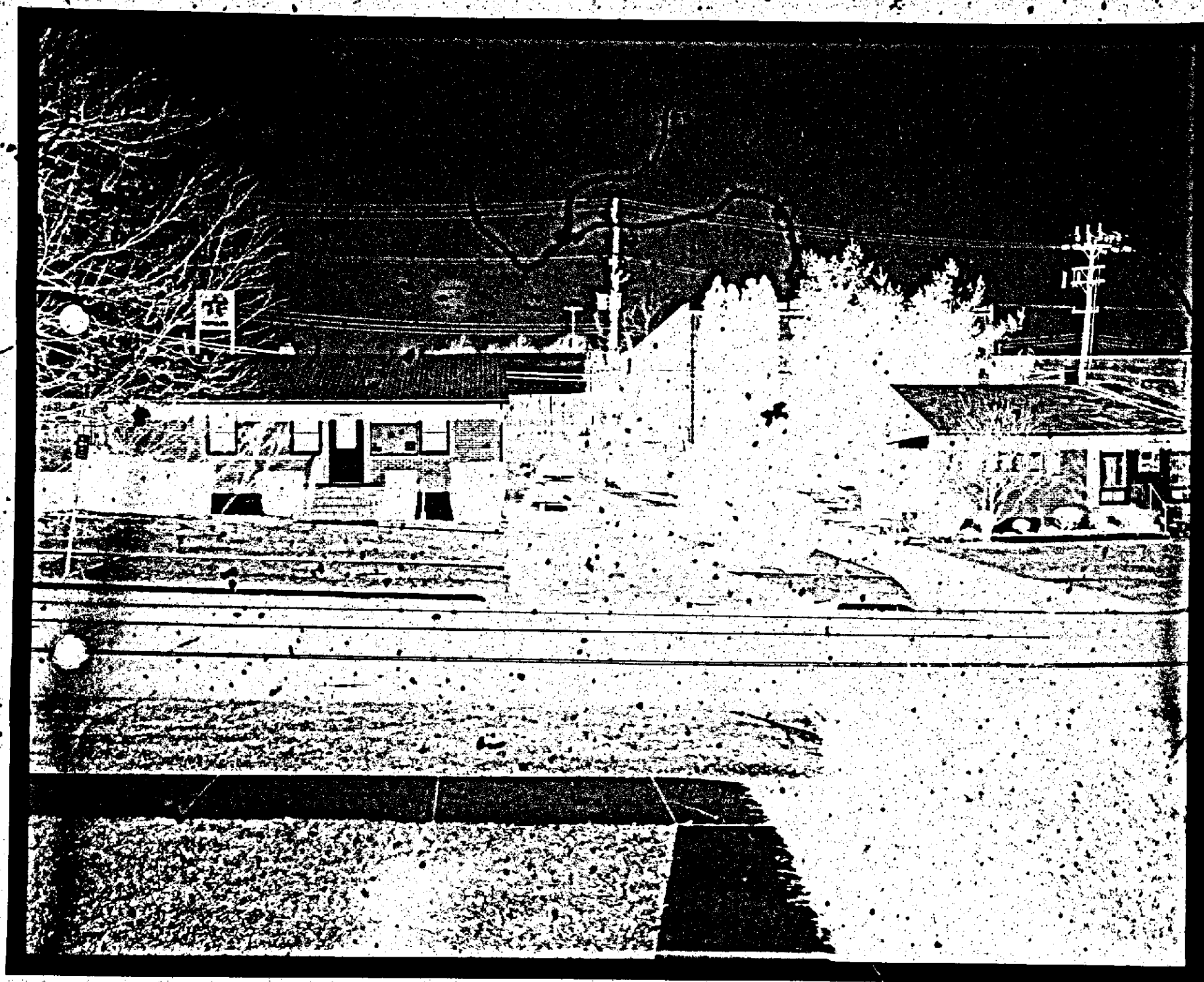
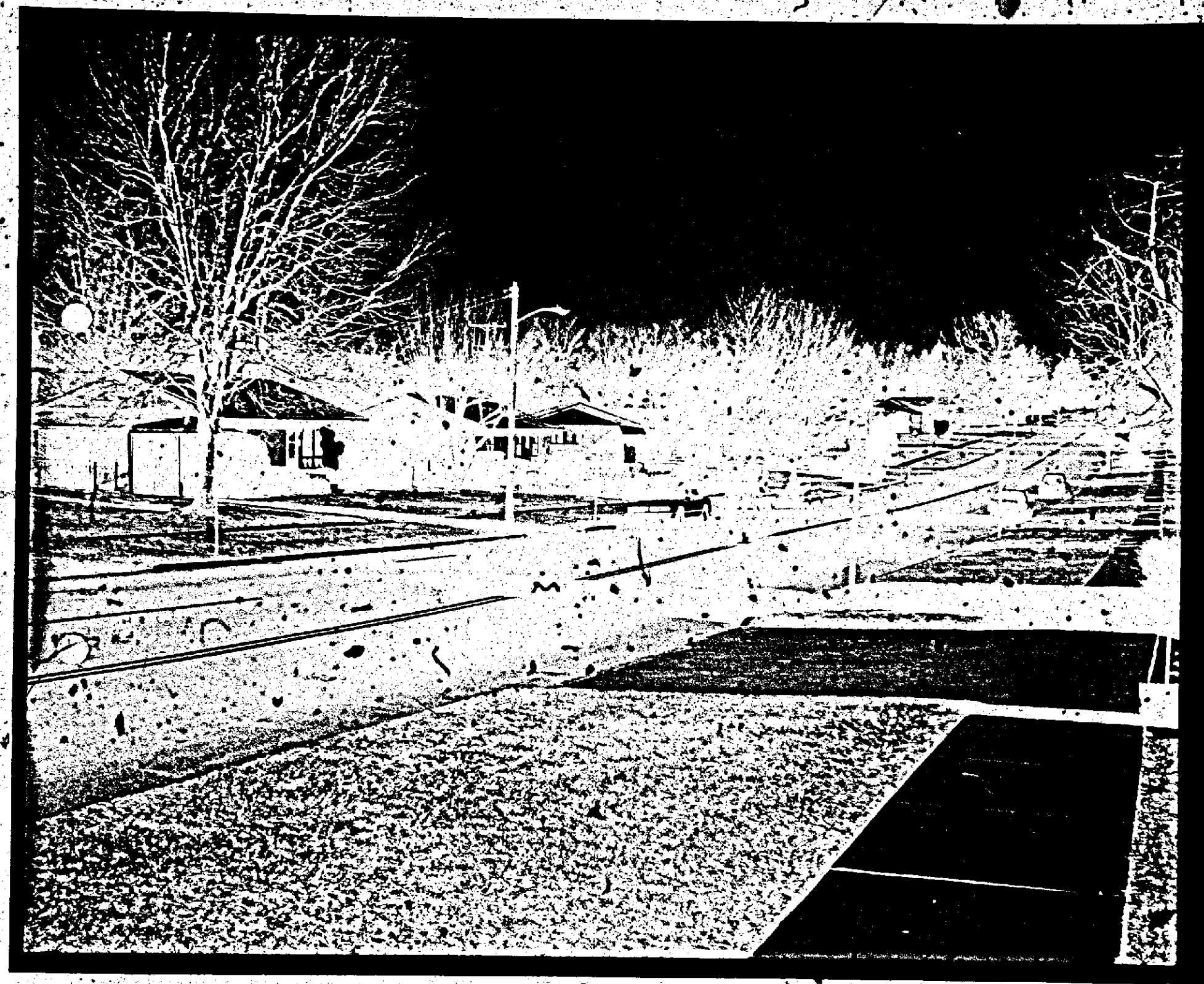
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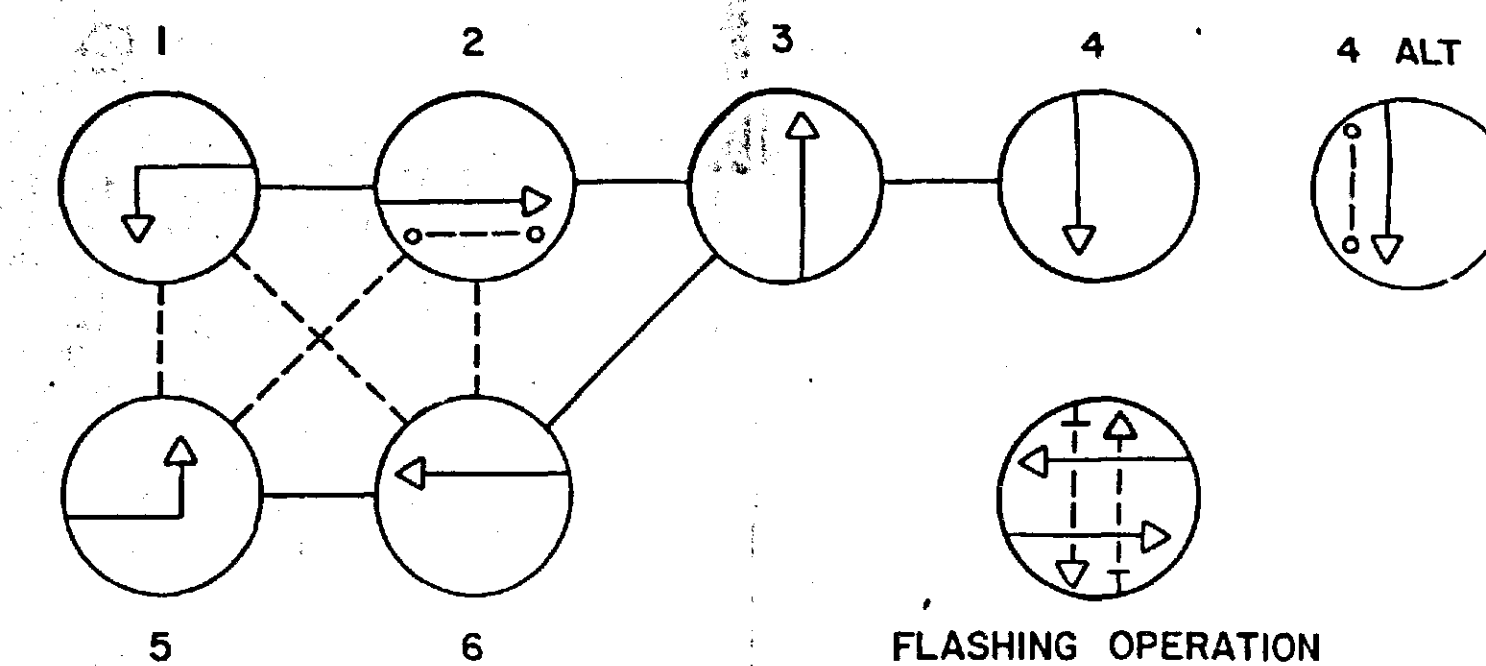


SEQUENCE

PHASE	1 + 5	1 + 6	2 + 5	2 + 6	3	4 or 4 ALT	FLASH
SIGNALS							
1	R	R	G	G	R	R	Y
2	<G-/R	<G-/R	<G-/G	<Y-/G	R	R	Y
3	<G-/R	<Y-/R	R	R	<G-/G	<Y-/G	Y
4	R	R	R	R	G	Y	Y
5 - 6	R	R	R	R	R	R	R
7	R	R	R	R	R	R	R
8	R	R	R	R	R	R	R
9 - 10	R	R	R	R	R	R	R
11 - 12	DW	DW	DW	DW	FW *	FW	OFF
13 - 14	DW	DW	DW	DW	DW	DW	OFF
					(13-14 ALT)	FW	FDW †

* ON RECALL

† FDW WILL TERMINATE BEFORE YELLOW INTERVAL

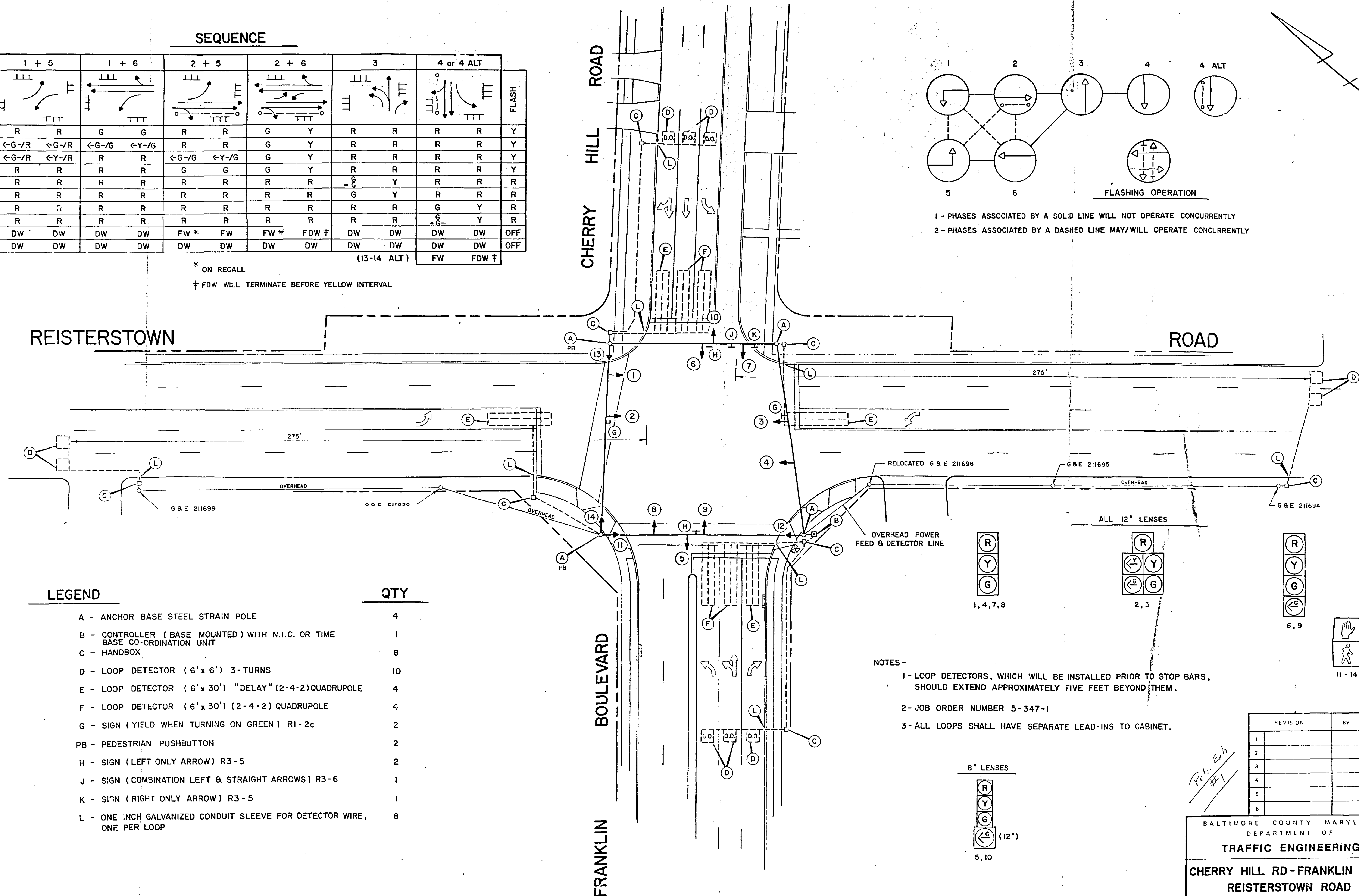


- 1 - PHASES ASSOCIATED BY A SOLID LINE WILL NOT OPERATE CONCURRENTLY
 2 - PHASES ASSOCIATED BY A DASHED LINE MAY/WILL OPERATE CONCURRENTLY

FLASHING OPERATION

REISTERSTOWN

ROAD



LEGEND

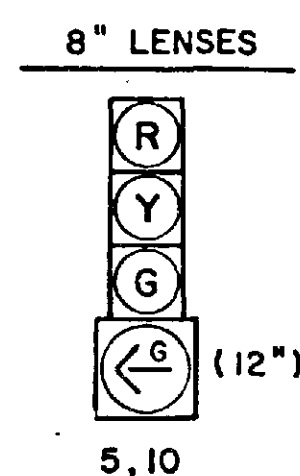
- A - ANCHOR BASE STEEL STRAIN POLE
 B - CONTROLLER (BASE MOUNTED) WITH N.I.C. OR TIME BASE CO-ORDINATION UNIT
 C - HANDBOX
 D - LOOP DETECTOR (6' x 6') 3-TURNS
 E - LOOP DETECTOR (6' x 30') "DELAY" (2-4-2) QUADRUPOLE
 F - LOOP DETECTOR (6' x 30') (2-4-2) QUADRUPOLE
 G - SIGN (YIELD WHEN TURNING ON GREEN) R1-2c
 PB - PEDESTRIAN PUSHBUTTON
 H - SIGN (LEFT ONLY ARROW) R3-5
 J - SIGN (COMBINATION LEFT & STRAIGHT ARROWS) R3-6
 K - SIGN (RIGHT ONLY ARROW) R3-5
 L - ONE INCH GALVANIZED CONDUIT SLEEVE FOR DETECTOR WIRE, ONE PER LOOP

QTY

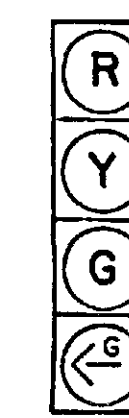
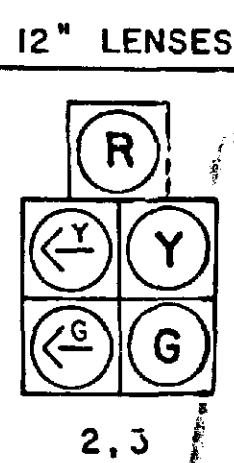
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NOTES-

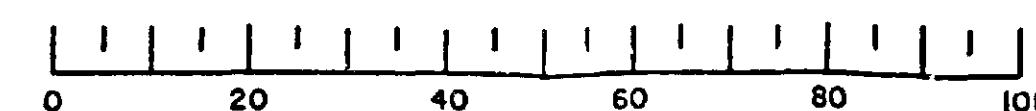
- 1 - LOOP DETECTORS, WHICH WILL BE INSTALLED PRIOR TO STOP BARS, SHOULD EXTEND APPROXIMATELY FIVE FEET BEYOND THEM.
 2 - JOB ORDER NUMBER 5-347-1
 3 - ALL LOOPS SHALL HAVE SEPARATE LEAD-INS TO CABINET.



1, 4, 7, 8



11 - 14



REVISION	BY	DATE
1		
2		
3		
4		
5		
6		

BALTIMORE COUNTY MARYLAND
 DEPARTMENT OF
TRAFFIC ENGINEERING

**CHERRY HILL RD-FRANKLIN BLVD
 REISTERSTOWN ROAD**

SCALE 1"=20'
 DRAWN BY *R. Smith* DATE 12-18-85
 CHECKED BY *[Signature]* DATE 1-22-86
 APPROVED *[Signature]* DATE 1-22-86

DWG NO. **S-417**